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EXAMINER	
PATEL, TARLA R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/817,172
Filing Date: April 02, 2004
Appellant(s): BUSHBY, DONALD P.

Mr. Glenn L. Webb
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/16/09 and supplemental appeal brief filed 1/9/10 appealing from the Office action mailed 8/4/09.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 44-80 are rejected and pending in the application.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. 35 USC 112 rejection as mailed on 8/4/09 has been withdrawn in view of arguments presented to the 35 USC 112 rejection by the applicant on 9/16/09 and arguments have been persuasive.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,640,465	Burgess	11-2003
2004/0006814	Holden	01-2004
3,584,622	Domenico	06-1971
3,482,683	Desnoyers	12-1969

4,997,709 Huddleston et al. 03-1991

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claims 44, 55, 62, 66 and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess (6,640,465) in view of Holden (2004/0006814). Burgess discloses an orthotic plantar fascia device for providing support to and reducing stress on, the plantar fascia of a human foot. The device comprises a thin, flexible and conformable lining; with respect to the limitation of "stretch resistant" Burgess' device (110) is both flexible and conformable to the foot. The device further includes an adhesive layer (120) on the sole engaging surface for adhering the device directly to the outer skin tissue on the sole of the foot (column 2 lines 62-67) and a protective cover (150) removably disposed over adhesive layer, that when removed, exposes the adhesive layer (column 4 lines 50-55). Also, Burgess discloses the liner will remain on the foot to allow mobility while still having increased adhesion as a greater effective contact surface area is provided (abstract). Applicant sets forth in the disclosure of the invention that the stretch resistant device" is a sufficiently flexible article with adhesive lining and that adhesive on the sole of the linings when the lining is on the surface of the foot imparts at least some restriction to extension and stretching of the tissue. The liner of Burgess when applied to the sole of the foot is applied with an adhesive and will

provide a prevention and stretch of the tissue, therefore, Burgess's liner is equivalent to the claimed support's "stretch resistant" property, since there are no other distinguish structures is required to be stretch less, the device of Burgess meets this claimed limitation. The device has a sole engaging surface (see figure 2), sized and shaped to engage the outer skin tissue on the sole of the foot (column 2 lines 38-40) and extend along the plantar fascia region of the foot from about the ball of the foot to the heel of the foot for providing support to the plantar fascia region of the foot (see fig 2). Burgess does not disclose that the foot protector can be formed into different sizes or cuts to fit by the wearer. However, Holden teaches a protective attachment that removably attaches to the bottom of the foot (abstract) that is easily trimmed to fit the size and shape of the body part [0003]. At the time of the invention was made, it would have been obvious design choice to one having ordinary skill in the art to form the device of Burgess into different sizes or cuts to fit by the wearer, as taught by Holden to fit various size of feet and to cover whole or partial as user desire.

With respect to claim limitations to a method for reducing stress on the plantar fascia of a human foot comprising the steps of providing a thin flexible device of uniform thickness having sole engaging surface and adhering sole engaging surface to the outer skin tissue on the sole of the foot to extend from the heel of the foot to at least the mid portion of the foot to provide support to the plantar fascia region, since Burgess discloses an equivalent structure shown to be “stretch-resistant device” as explained above, the Burgess device meets the claim limitation.

With respect to claim 55, Burgess obviously discloses a single woven fabric layer (as disclosed in column 4 lines 5-8 that the it is made of natural fibers, the examiner interprets that the natural fiber is woven fabric layer as required by claim), an adhesive layer (120) and a protective cover layer (150) remove ably disposed on said adhesive layer (see figure 8).

With respect to the limitations of "restricting extension and stretching of the outer skin tissue on the sole of the foot", when the device described above adheres to sole, it will obviously restrict extension of the skin and such that the tension forces applied to the plantar fascia from the forces on an arch of the foot which push the bones of the foot downwardly, and are able to reduce tension in the plantar fascia (0027), when the device of Burgess is secured to the sole of the user's foot which will result in treating pain in at least one of the heel, or arch or ball of the foot (see paragraph 0016 and 0027) and controls the step to prevent extension and stretching, reduce tension on the plantar fascia of the foot.

Claims 48-54 and 56-60, 62-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess and Holden in view of Domenico (3,584,622).
Burgess substantially discloses an orthotic plantar fascia device for providing support to and reducing stress on, the plantar fascia of a human foot. The device comprises a thin, flexible and conformable lining; with respect to the limitation of "stretch resistant" Burgess' device (110) is both flexible and conformable to the foot. The device further includes an adhesive layer (120) on the sole engaging surface for adhering the device

directly to the outer skin tissue on the sole of the foot (column 2 lines 62-67) and a protective cover (150) removably disposed over adhesive layer, that when removed, exposes the adhesive layer (column 4 lines 50-55). Also, Burgess discloses the liner will remain on the foot to allow mobility while still having increased adhesion as a greater effective contact surface area is provided (abstract). Applicant sets forth in the disclosure of the invention that the stretch resistant device" is a sufficiently flexible article with adhesive lining and that adhesive on the sole of the linings when the lining is on the surface of the foot imparts at least some restriction to extension and stretching of the tissue. The liner of Burgess when applied to the sole of the foot is applied with an adhesive and will provide a prevention and stretch of the tissue, therefore, Burgess's liner is equivalent to the claimed support's "stretch resistant" property, since there are no other distinguish structures is required to be stretch less, the device of Burgess meets this claimed limitation. The device has a sole engaging surface (see figure 2), sized and shaped to engage the outer skin tissue on the sole of the foot (column 2 lines 38-40) and extend along the plantar fascia region of the foot from about the ball of the foot to the heel of the foot for providing support to the plantar fascia region of the foot (see fig 2).

However, Burgess and Holden does not discloses thin flexible straps extending laterally outward from opposite sides to at least partially encircle the talus, the navicular, the cuneiform and the cuboid region of the foot, an arch strap and a heel strap, wherein the straps can be adhered to the foot by an adhesive for securing the straps around the portions of the foot as required by claims 48,51,53,56,57,58,59,60, and 61 and With

respect to claims 50,52 and 54, further, Burgess does not discloses the straps are integrally formed with device (see fig 1).

However, Domenico teaches a support device for prevention of ankle injuries comprising thin flexible straps extending laterally outward from opposite sides to at least partially encircle the talus, the navicular, the cuneiform and the cuboid region of the foot, an arch strap and a heel strap (26 as shown see figs 2 and 4), wherein the straps can be adhered to the foot by an adhesive (column 2 lines 51-54) for securing the straps around the portions of the foot (see figure 2 and 4 and column 2 lines 51-54) as required by claims 48,51,53,56,57,58,59, and 60, further, Domenico discloses the straps are integrally formed with device (see fig 2 and 4) as required by claims 50,52 and 54. At the time of the invention, it would have been an obvious to one skilled in art to have to make the device of Burgess and Holden to have straps having adhesive, as taught by of Domenico to have adhesive on top surface of the device to adhere the support device to the bottom of the foot and to secure the device better to sole of the foot.

With respect to claims 56, and 60, the limitations of "restricting extension and stretching of the outer skin tissue on the sole of the foot", when the device described above adheres to sole, it will obviously restrict extension of the skin and such that the tension forces applied to the plantar fascia from the forces on an arch of the foot which push the bones of the foot downwardly, and are able to reduce tension in the plantar fascia (0027), when the device of Burgess is secured to the sole of the user's foot which will result in treating pain in at least one of the heel, or arch or ball of the foot (see

paragraph 0016 and 0027) and controls the step to prevent extension and stretching, reduce tension on the plantar fascia of the foot.

Claims 45, 72, 75-76, 78 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess and Holden in view of Desnoyers (3,482,683).

Burgess and Holden substantially disclose the invention as claimed; see rejection to claims 44, 55, 62, 66 and 70-71 above; further with the limitation of sole support does not including a resilient cushion layer, the examiner agrees that the Burgess discloses to have cushion effect (column 3 lines 16-20), however, it has been interpreted by the examiner that even bottom of foot sole have natural cushion in form of muscles, then how one claim limitation to not have cushion layer, since naturally human body is cushion at bottom of feet sole in form of muscles. However, Burgess and Holden does not disclose that the sole member has a ratio of elongation (%) to tensile strength (ib/in-width) that is less than 0.9, whereby providing a balanced combination of strength and resistance to elongation.

However, Desnoyers teaches a pressure sensitive tape having material having ratio of elongation to tensile strength ratio of at least about 3 to 1 (column 3 lines 18-26, as broadly interprted as less than 0.9 because range of at least about in broadest term would meet required limitation). At the time of the invention was made, it would have been obvious to one having ordinary skill in the art to use the material to make the device of Burgess and Holden to have tensile strength to ratio of elongation, as taught

by Desnoyers to have resistance to tearing.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess, Holden and Desnoyers.

Burgess, Holden and Desnoyers substantially disclose the invention as claimed; see rejection to claim 45 above, further, Burgess discloses a device that has a uniform thickness (column 3 lines 52-54) of less than about 30 mils, (since column 3 lines 13-15, describes the thickness of about 1 mm to about 5 mm inherently discloses the less than about 30 mils required by claim, since examiner interprets "about" language as broadest reasonable interpretation, since 1 mils= 0.0254 mm) and formed of a fabric material (column 4 lines 5-10) Burgess further discloses a protective layer (150). However, Burgess, Holden and Desnoyers do not disclose that device is specifically 30 mils (0.762 mm) in thickness. At the time of the invention was made, it would have been obvious design choice to one having ordinary skill in the art to have thickness of 30 mils, since, such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claims 47, 61, 67 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess and Holden in view of Huddleston et al. (4,997,709).

Burgess, and Holden substantially disclose the invention as claimed; see rejection to claims 44, 55, 62, 66 and 70-71 above, further, Burgess and Holden discloses a device

that has a uniform thickness (column 3 lines 52-54) of less than about 30 mils, (since column 3 lines 13-15, describes the thickness of about 1 mm to about 5 mm inherently discloses the less than about 30 mils required by claim, since examiner interprets "about" language as broadest reasonable interpretation, since 1 mils= 0.0254 mm) and formed of a fabric material (column 4 lines 5-10) Burgess further discloses a protective layer (150). However, Burgess and Holden do not disclose that device is specifically 30 mils (0.762 mm) in thickness. At the time of the invention was made, it would have been obvious design choice to one having ordinary skill in the art to have thickness of 30 mils, since, such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).
Burgess and Holden substantially disclose the invention as claimed; see rejection to claims 44, 55, 62, 66 and 70-71 above; Burgess and Holden does not disclose a support device that has less than 15% elongation when subjected to a tensile load (lb/in-width) approximately equivalent to 25 pounds/inch in accordance with ASTM D3759.

However, Huddleston et al. teaches novel adhesives and tapes having the tensile load (lb/in-width) approximately equivalent to 25 pounds/inch in accordance with ASTM D3759 (column 1 lines 48-63). At the time of the invention, it would have been an obvious to one skilled in art to modify the device of Burgess and Holden to include the adhesives of the tensile load (lb/in-width) approximately equivalent to 25 pounds/inch in accordance with ASTM D3759, as taught by Huddleston et al. to have more resiliencies

to the device.

Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess, Holden and Huddleston et al.

Burgess, Holden and Huddleston et al substantially disclose the invention as claimed; see rejection to claim 61 above, further, Burgess obviously discloses a single woven fabric layer (as disclosed in column 4 lines 5-8 that the it is made of natural fibers, the examiner interprets that the natural fiber is woven fabric layer as required by claim), an adhesive layer (120) and a protective cover layer (150) remove ably disposed on said adhesive layer (see figure 8).

Burgess also discloses a device that has a uniform thickness (column 3 lines 52-54) of less than about 30 mils, (since column 3 lines 13-15, describes the thickness of about 1 mm to about 5 mm inherently discloses the less than about 30 mils required by claim, since examiner interprets "about" language as broadest reasonable interpretation, since 1 mils= 0.0254 mm) and formed of a fabric material (column 4 lines 5-10). However, Burgess, Holden and Huddleston et al does not discloses that device is 30 mils (0.762 mm) in thickness. At the time of the invention was made, it would have been obvious design choice to one having ordinary skill in the art to have thickness of 30 mils, since, such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claims 73-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess, Holden and Desnoyers.

Burgess, Holden and Desnoyers substantially disclose the invention as claimed; see rejection to claim 72 above, further, Burgess obviously discloses a woven micro fiber layer (as disclosed in column 4 lines 5-8 that the it is made of synthetic fiber that is interpreted to be polyester since polyester is blend of fibers and by definition micro-fiber is a very fine polyester fiber, therefore the examiner interprets that the synthetic fiber meets the limitation of a woven micro-fiber layer as required by claim), an adhesive layer (120) and a protective cover layer (150) remove ably disposed on said adhesive layer (see figure 8).

Burgess also discloses a device that has a uniform thickness (column 3 lines 52-54) of less than about 30 mils, (since column 3 lines 13-15, describes the thickness of about 1 mm to about 5 mm inherently discloses the less than about 30 mils required by claim, since examiner interprets "about" language as broadest reasonable interpretation, since 1 mils= 0.0254 mm) and formed of a fabric material (column 4 lines 5-10). However, Burgess, Holden and Desnoyers does not discloses that device is 30 mils (0.762 mm) in thickness. At the time of the invention was made, it would have been obvious design choice to one having ordinary skill in the art to have thickness of 30 mils, since, such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claims 77 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess, Holden and Desnoyers in view of Huddleston et al. (4,997,709). Burgess, Holden and Desnoyers substantially disclose the invention as claimed; see rejection to claims 75 and 78 above; Burgess, Holden and Desnoyers do not disclose a support device that has less than 15% elongation when subjected to a tensile load (lb/in-width) approximately equivalent to 25 pounds/inch in accordance with ASTM D3759.

However, Huddleston et al. teaches novel adhesives and tapes having the tensile load (lb/in-width) approximately equivalent to 25 pounds/inch in accordance with ASTM D3759 (column 1 lines 48-63). At the time of the invention, it would have been an obvious to one skilled in art to modify the device of Burgess, Holden and Desnoyers to include the adhesives of the tensile load (lb/in-width) approximately equivalent to 25 pounds/inch in accordance with ASTM D3759, as taught by Huddleston et al. to have more resiliencies to the device.

(10) Response to Argument

Appellant's arguments filed on 12/16/09 have been carefully considered but are not persuasive.

With respect to appellant's arguments directed to the 35 USC 112 rejection to claims 45, 47, 61, 67, 69, 72, 77, 78 and 79, they have been considered and are have been persuasive as stated above, the rejection under 35 USC 112 has been withdrawn.

Appellant's argues that Burgess does not discloses, suggest or teach any use as an orthotic device and is incapable of operating as an orthotic device, since it fails to support, align, prevent or correct the function of movable parts of the body, but instead merely serves to cushion the sole of the foot and protect the sole from contact with surfaces of indeterminate cleanliness and temperature fluctuations. To these arguments the examiner respectfully would like to point out that the appellant is claiming a product orthotic foot support including functional recitation in the preamble of claim; the claim further uses "comprising" as its transitional phrase, which is open ended claim. Burgess provides the recited structure required by the rest of claim of limitations and would be capable of meeting the functional recitation. Further, the claim does not recite any distinct structural elements that would preclude the foot protector of Burgess to meet the claim limitations or to define an orthotic as claimed in preamble. The recitation orthotic has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951).

Appellant also argues that the device of Burgess is resilient, is not stretch-resistant, would not function as intended if it was stretch resistant and there is no rational underpinning to conclude that Burgess discloses a stretch-resistant orthotic device that restricts extension and stretching of an outer skin tissue of a sole of a wearer's foot, whereby preventing excessive tensile stress in a plantar fascia. To these arguments

that examiner would respectfully point out that when the Burgess device is adhere to the sole of the foot, therefore it will obviously restrict extension of the skin as it is adhesively applied. As a result, when the Burgess device is adhesively applied to the plantar fascia portion of the user's foot which would eventually is able to reduce tension in the plantar fascia, since the tension forces are caused by the forces on an arch of the foot which push the bones of the foot downwardly. Further, when the device of Burgess is adhesively secured to the sole of the user's foot which will be capable of preventing extension and stretching of muscle in plantar fascia portion of the user's sole of the foot, which would eventually results in treating pain in at least one of the heel, or arch or ball of the foot and, would eventually reduce tension on the plantar fascia of the foot. The liner of Burgess when applied to the sole of the foot is applied with an adhesive and will be capable of preventing stretch of the tissue to the sole of foot, therefore, the examiner interprets that the Burgess's liner discloses an equivalent "stretch resistant" property as claimed "stretch resistant" property, since as claimed the support of the claimed invention does not require any other distinguish structure to be stretch less, therefore, the device of Burgess meets this claimed limitation. Further, the Burgess's device has a sole engaging surface, sized and shaped to engage the outer skin tissue on the sole of the foot and extend along the plantar fascia region of the foot from about the ball of the foot to the heel of the foot for providing support to the plantar fascia region of the foot as described above.

Appellant also argues that Burgess does not discloses an equivalent structure to the claimed limitation of an adhesive layer of sufficient adhesion to maintain the stretch-

resistant sole member in adhesive engagement with an outer skin tissue on the sole of the foot, such that tension forces applied to a plantar fascia are shared with an outer skin tissue, the adhesive layer, and the sole member to restrict extension and stretching of an outer skin tissue of a sole of a wearer's foot, whereby preventing excessive tensile stress in a plantar fascia. To these arguments the examiner respectfully would like to point out that the applicant does not disclose any specific type, amount, or degree of adhesive to have a therapeutic effect. If anything is adhered to the sole of a foot, it will impose some restriction of free motion of the sole of the foot and restrict some degree of stretching of the sole of the foot. Additionally, Burgess discloses that the adhesive can effectively bond the liner to the foot such that it is less likely to fall off during normal activities. Furthermore, Burgess discloses that their device conforms to the shape and contours of the sole of the foot and adjusts to flexing of the sole of the foot during walking or running without the adhesive tearing away from the foot. Further, there has been no evidence has been provided by appellant to show that the adhesive layer of Burgess could not perform the restriction and resistance to stretching. It is the burden of appellant to provide convincing evidence against a prima facie case set forth by the examiner.

Further, Appellant argues that the Burgess does not teach the device having a shape matching less than the entire outline of a sole of a wearer's foot to which the device is to be applied and sized to cover only a portion of the wearer's sole. The examiner respectfully disagrees and would like to point out that applicant's claim require to cover only a portion of the wearer's sole or at least a portion of sole, to that the examiner's

has interpreted that the at least a portion or to cover only a portion could be the whole foot of the user. Therefore, since the Burgess's device covers the sole portion of foot leaving little of toe portion not cover would obviously meet the claim limitations to cover only a portion of the wearer's sole or at least a portion of sole.

With respect to appellant's argument that Burgess does not teach the woven fabric, however, Burgess discloses a woven fiber, Further, appellant point out that the woven fabric is a art specific term requiring that the fibers be interlaced at right angles to one another to provide stretch-resistance, to these arguments the examiner would like to point out that the appellant description of woven fabric is more specific then what is claimed, further the appellant interpretation that the woven fabric will provide stretch-resistance is their own interpretation and appellant has not provided any factual evidence to support these properties of woven fabric. Further, during examination, claims are to be given their broadest reasonable interpretation. In re American Academy of Science Tech Center, 367 F.3d 1359, 1364 (Fed. Cir. 2004). "An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process." In re Zletz, 893 F.2d 319, 322, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). The examiner further points out that Burgess's device made of woven fibers does meet the required claim limitations woven fabric, since the woven fibers would be a fabric since appellant's own interpretation of woven is process of interlacing the fibers to form a fabric.

Further, Appellant's argues that the device of Domenico does not disclose an orthotic device for treating plantar fascia nor does Domenico disclose an orthotic device having a stretch resistance layer with a strong adhesive layer to prevent extension and stretching of tissue to prevent excessive tensile stress in a plantar fascia. To these arguments the examiner would respectfully would like point out that the reference of Domenico is not used for teaching of an orthotic device having a stretch resistance layer with a strong adhesive layer to prevent extension and stretching of tissue to prevent excessive tensile stress in a plantar fascia, it is merely used as a teaching to add of straps having adhesive to the foot device.

With respect to appellant's argument that Desnoyers does not disclose a ratio of elongation to tensile strength ration of about less than 0.9, to these arguments the examiner would respectfully points out that one having ordinary skill in art would have knowledge to use lesser pound weight to tensile strength of Desnoyers's article to provide a lesser ratio of elongation to the device of Burgess and Holden, therefore, Burgess, Holden and Desnoyers meets the claim limitation. Further, if 0.01 pound weight is used to determine the ration of elongation in Burgess, Holden and Desnoyers device would eventually determine the ration of about less than 0.9 as required by the claim.

Further, with respect to appellant's arguments to Huddleston et al. that the device of Huddleston et al. does not disclose an orthotic device for treating plantar fascia nor does Huddleston et al. disclose an orthotic device having a stretch resistance layer with a strong adhesive layer to prevent extension and stretching of tissue to prevent

excessive tensile stress in a plantar fascia, to these arguments the examiner would respectfully would like point out that the reference of Huddleston et al. is not used for teaching of an orthotic device having a stretch resistance layer with a strong adhesive layer to prevent extension and stretching of tissue to prevent excessive tensile stress in a plantar fascia, it is merely used for teaching of strong adhesive to modify the device of Burgess and Holden to have strong adhesion having tensile load approximately equivalent to 25 pounds/inch.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Tarla R Patel/

Examiner, Art Unit 3772

Conferees:

/Kim M. Lewis/
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